

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JEFFREY SHERMAN,
Plaintiff,

v.

EVEL, INC., a Nevada corporation,
THEVEGASPACKAGE.COM, INC., a
Nevada corporation, EVELYN D. LANGER,
individually, and DOUGLAS M.
LITTLETON a/k/a DOUGLAS DOUGLAS,
individually,

Defendants.

Case No. 2:23-cv-00664-JAD-EJY

ORDER

Pending before the Court is Plaintiff's Renewed Motion to Compel Discovery (the "Motion"). ECF No. 42. The Motion was filed on April 26, 2024. Defendants' response was due on May 10, 2024. No response was filed.

Plaintiff's Motion recounts the pertinent procedural history including, most specifically, that the prior version of the Motion to Compel was denied without prejudice to allow the parties to meet and confer. Despite this opportunity, Plaintiff contends Defendants continue to fail to fully respond to Plaintiff's Requests for Production Nos. 1 and 7. In the absence of a response to Plaintiff's contention, and in light of Local Rule 7-2(d) allowing the Court to treat the failure to oppose a motion as consent by the non-moving party to grant the motion,

IT IS HEREBY ORDERED that Plaintiff's Renewed Motion to Compel (ECF No. 42) is GRANTED.

IT IS FURTHER ORDERED that Defendants **must**, no later than **May 31, 2024**, supplement its responses to Plaintiff's Request to Produce Documents Nos. 1 and 7 by producing (while not necessarily limited to) log-in and log-out data for Plaintiff, telemarketing scripts as described in Plaintiff's Exhibit H, nightly payroll information, and emails showing how much Plaintiff would be paid for each day he worked.

1 IT IS FURTHER ORDERED that failure to produce responsive documents may result in an
2 award of sanctions against Defendants.

3 IT IS FURTHER ORDERED that given Plaintiff's Motion to Compel is granted in full, and
4 especially because Defendants chose not to respond to the Motion despite substantial opportunity to
5 do so, the Court awards Plaintiff his reasonable attorney's fees and costs under Fed. R. Civ. P.
6 37(a)(5).

7 IT IS FURTHER ORDERED that Plaintiff **must** submit a memorandum in support of the
8 fees requested no later than **May 24, 2024**. The memorandum **must** provide the time spent by each
9 person for whom a reimbursement of fees is sought. A description justifying the hourly rates sought
10 must also be provided. Time **must** be recorded in tenths of hours and a description of work
11 performed **must** be included. Reimbursement for the time spent in the meet and confer is not
12 included in the award; however, time spent preparing the memorandum is included in the award.

13 IT IS FURTHER ORDERED that Defendants' response to the memorandum is due no later
14 than **June 4, 2024**.

15 IT IS FURTHER ORDERED that the parties may, if they so choose, agree on a flat
16 reimbursement amount in which case they **must** submit a stipulation regarding the same.

17 Dated this 13th day of May, 2024.

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20 ELAYNA J. YOUCHAK
21 UNITED STATES MAGISTRATE JUDGE
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